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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/018,557      | 04/11/2002  | John Hawkins         | MPD316              | 2017             |

7590  
01/07/2004  
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EXAMINER

METZMAIER, DANIEL S

ART UNIT PAPER NUMBER

1712

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,557

Applicant(s)

HAWKINS, JOHN



Examiner

Daniel S. Metzmaier

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  
37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

Claims 1-8 are pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albright & Wilson Ltd, EP 0 623 670 A2, in view of van de Pas et al, US 4,530,780, as evidenced by Derwent Abstract, AN 1983-52014k.

Albright & Wilson Ltd (page 6, lines 44 et seq) discloses aqueous based structured surfactant compositions employing a stabilizer system to deflocculate the structured surfactant system. Albright & Wilson Ltd (page 7, lines 15-17, and page 8, lines 1-3) disclose the use of monovalent electrolytes with higher polyethoxylates

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employing 7 to 80 moles of ethylene oxide per molecule. Albright & Wilson Ltd (page 8, lines 10-12) teaches alcohol ethoxylates are highly effective stabilizers for systems, which further employ other types of soluble polymers. Albright & Wilson Ltd (page 9, lines 51 et seq, particularly lines 53 and 54-58; page 12, lines 51-53; and page 13, lines 31-38) teaches the use of monovalent electrolytes with C<sub>6-20</sub> alkyl ethoxylates having preferably 25-75 moles, most preferably 40-55 moles, of ethyleneoxy groups per molecule. Albright & Wilson Ltd (page 11, lines 50 et seq) teaches a number of monovalent electrolytes including alkali metal chlorides and iodides among others. Albright & Wilson Ltd (page 11, lines 11-13) teaches it is often desirable to include potassium salts in the electrolyte for the advantage of reducing viscosities or increasing electrolyte concentrations.

Albright & Wilson Ltd (page 12, lines 39-41) teaches the concentrations of the nonionic stabilizers and page 13, lines 31-32) teach concentrations for the electrolytes. Said concentrations read on the concentrations of claim 3. Albright & Wilson Ltd (throughout) discloses the formation of spherulitic, L<sub>2</sub>, and G phase structured surfactants without mention of temperature. Said temperature is concluded to be room temperature, which is below 40°C and 50°C in claims 2 and 3, respectively.

Albright & Wilson Ltd differs from the claims in the exemplified use of a water-soluble thiocyanate compound as the electrolyte.

Albright & Wilson Ltd (page 6, lines 1-27; particularly lines 22-24) discloses EP 0079646 as prior art structured surfactant compositions. The Derwent Abstract An 1983-52014k corresponds to EP 0079646 and shows said document to be a patent

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family member of van de Pas et al, US 4,530,780. The references are combinable because van de Pas et al is cited as prior art structured surfactant compositions in the Albright & Wilson Ltd reference.

van de Pas et al (abstract; page 2, lines 3-40; examples; and claims) discloses the use of alkali metal rhodamides (synonymous with alkali metal thiocyanate) as an auxiliary electrolyte in combination with other electrolytes including polyvalent, wherein said mixture advantageously improves the stability of the structured surfactants. van de Pas et al (examples) discloses nonionic surfactants, which overlap those of the Albright & Wilson Ltd reference.

These references are combinable because they teach structured surfactant compositions and compositions incorporating said surfactant systems. It would have been obvious to one of ordinary skilled in the art at the time of applicants' invention to employ mixtures of electrolytes including as the auxiliary electrolyte, water soluble thiocyanate compound, as taught in the van de Pas et al reference.

Albright & Wilson Ltd (page 17, line 8 to page 21, line 54; and examples) discloses formulating detergent compositions employing the structured surfactant stabilizers as summarized herein above. It would have been obvious to one of ordinary skilled in the art at the time of applicants' invention to employ structured surfactants in the compositions as disclosed in the Albright & Wilson Ltd reference as taught therein. The individual components and the concentrations thereof are broadly taught in the Albright & Wilson Ltd reference.

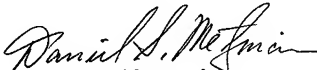
***Response to Arguments***

4. Applicant's arguments filed October 6, 2003 have been fully considered but they are not persuasive.
5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.
6. The above new rejection is based on applicants' EP publication in the year of 1994 corresponding to Clapperton, US 6,090,762. The rejection over the Clapperton et al reference has been withdrawn in view of the rejection over the family member document above and deemed to have the same or substantially the same disclosure as the Clapperton et al reference. In view thereof the merits of the Declaration of Roger G M Savage have not been reached at this time.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Daniel S. Metzmaier  
Primary Examiner  
Art Unit 1712